Remarks

[0001] Herein, the "Action" or "Office Action" refers to the Office Action dated June 26, 2007.

[0002] Applicant respectfully requests reconsideration and allowance of all pending claims of the application. Claims 1-29 and 31-35 are presently pending. Claims amended herein are 10 and 29. Claims withdrawn or canceled herein are none. No new claims are added herein. No new matter has been added by the amendments herein, and supported for the amendments can be found at least at pages 35-36 of the specification "as-filed".

<u>Specification Objection</u>

[0003] The specification is objected to as failing to provide a proper antecedent basis for the claimed subject matter. More specifically, the Office indicates that claim 29 recites computer-readable tangible media, and that the specification fails to provide a proper antecedent basis for computer-readable tangible media (*Office Action,* p.2). Appropriate corrections have been made herein. More specifically, Applicant has amended claim 29 herein to instead recite a "computer readable storage media", as such is supported at least at pages 35-36 of the specification "as-filed".

Substantive Claim Rejections

35 USC § 112 Claim Rejections

[0004]   Claims 10 is rejected under 35 U.S.C. §112, second paragraph, a being indefinite.   More specifically, the Examiner indicated that there is insufficient antecedent basis for the limitation "media type allowed flag" (*Office Action,* p.3).

[0005]   Claim 10 has been amended herein to recite "the media type used flag", and notes that there is proper antecedent basis for this limitation in the base claim.   Accordingly, Applicant requests that the §112 rejection be withdrawn.

35 USC § 103 Claim Rejections

[0006]   Claims 1-29 and 31-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0182574 to Whitten et al. (hereinafter, "Whitten") in view of U.S. Patent Application Publication No. 2002/0141582 to Kocher et al. (hereinafter, "Kocher") (*Office Action,* p3).

[0007]   Applicant respectfully traverses the rejections, and requests reconsideration and allowance in light of the comments and amendments contained herein.   Accordingly, Applicant requests that the rejections be withdrawn and that the case be passed along to issuance.

[0008]   <u>**Claim 1**</u> recites an apparatus comprising:

a media including game content; and

a data protection portion that includes:

a file alteration checking portion which protects the media from modification of the game content by determining whether the game content has been modified, and if the game content has been modified, then installation of the game content within the apparatus fails; and

a media type checking portion for checking whether the media is as expected for an original media that has not been copied by reading a media type used flag from an executable located on the media, wherein the media type used flag indicates a type of media that the executable should be contained within, and if the type of media of the executable is not as expected, then installation of the game content within the apparatus fails.

[0009]   Whitten and/or Kocher do not teach or suggest the combination of features recited in claim 1.   For example, the Whitten-Kocher combination does not teach or suggest, "a media type checking portion for checking whether the media is as expected for an original media that has not been copied by reading a media type used flag from an executable located on the media, wherein the media type used flag indicates a type of media that the executable should be contained within, and if the type of media of the executable is not as expected, then installation of the game content within the apparatus fails" and as recited in claim 1.

[0010] In the Action, the Office admits that Whitten "does not teach a media type checker" (*Office Action*, p.4). The Office then relies on Kocher disclosing the recited media type checking portion (*Office Action*, p.4).

[0011] However, Kocher fails to cure the deficiencies of Whitten, as Kocher does not teach or suggest "a media type checking portion for checking whether the media is as expected for an original media that has not been copied by reading a media type used flag from an executable located on the media, wherein the media type used flag indicates a type of media that the executable should be contained within, and if the type of media of the executable is not as expected, then installation of the game content within the apparatus fails" and as recited in claim 1.

[0012] Instead, Kocher discloses methods for authenticating a media content from a server prior to its playing to validate the content of the media (*Kocher*, [0057]). However, reading a media type used flag from an executable located in the media and then declaring a failure in installing a game content if the type of media of the executable is not in accordance with an expected media type is not disclosed by Kocher.

[0013] Accordingly, claim 1 is allowable over the Whitten-Kocher combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0014] <u>**Claims 2-19**</u> are allowable over the Whitten-Kocher combination by virtue of their dependency upon claim 1 (either directly or

indirectly). Additionally, some or all of claims 2-19 may also be allowable over the Whitten-Kocher combination for independent reasons. For example:

[0015] **<u>Claim 10</u>** recites "apparatus of claim 1, wherein the media type used flag also indicates whether a media type check should be performed." Kocher discloses performing authentication of a media through a server before its playing (*Kocher*, [0057]). However, a media type flag to indicate whether a media type check should be performed is not disclosed by Kocher. Kocher says nothing about reading a media type allowed flag from an executable which also indicates whether a media type check should be performed.

[0016] <u>**Claim 20**</u> a method comprising:

checking whether a type of media containing a file is as expected for media that has not been copied by reading a media type used flag from an executable located on the media, wherein the media type used flag indicates a type of media that the executable should be contained within if the media is original, and if the type of media of the executable is not as expected, then installation of the file fails, and if the media type of the executable is as expected, then:

comparing an actual signature of a table of contents from a media with an expected signature of the table of contents to determine whether contents of the file have been altered; calculating an actual signature based on reading clusters of data from the media, and comparing the actual signature with an expected signature found in the table of contents for every cluster of data read to determine whether contents of the file have been altered; and

installing the file when both the actual signature of the table of contents from the media matches the expected signature of the table of contents, and the actual signature which was calculated matches the expected signature found in the table of contents for every cluster of data read.

[0017] Whitten and/or Kocher do not teach or suggest the combination of features recited in claim 20. For example, the Whitten-Kocher combination does not teach or suggest, "checking whether a type of media containing a file is as expected for media that has not been copied by reading a media type used flag from an executable located on the media, wherein the media type used flag indicates a type of media that the executable should be contained within if the media is original, and if the type of media of the executable is not as expected, then installation of

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the file fails, and if the media type of the executable is as expected," as recited in claim 20.

[0018] In the Action, the Office admits that Whitten "does not teach a media type checker" (*Office Action*, p.9). The Office then relies on Kocher disclosing the recited media type checking portion (*Office Action*, p.9).

[0019] However, Kocher fails to cure the deficiencies of Whitten, as Kocher does not teach or suggest "checking whether a type of media containing a file is as expected for media that has not been copied by reading a media type used flag from an executable located on the media, wherein the media type used flag indicates a type of media that the executable should be contained within if the media is original, and if the type of media of the executable is not as expected, then installation of the file fails, and if the media type of the executable is as expected," as recited in claim 20.

[0020] Instead, Kocher discloses methods for authenticating a media content from a server prior to its playing to validate the content of the media (*Kocher*, [0057]). However, checking whether a type of media containing a file is as expected for media that has not been copied by reading a media type used flag from an executable located on the media, and then declaring a failure in installing a game content if the type of media of the executable is not in accordance with an expected media type is not disclosed by Kocher.

[0021] Further, the Whitten-Kocher combination does not teach or suggest, "comparing an actual signature of a table of contents from a media with an expected signature of the table of contents to determine whether contents of the file have been altered," as recited in claim 20.

[0022] Instead, Whitten describes comparing a decrypted header digest of the header of a game disc data with a confirmation digest (*Whitten*, [0056] and Fig.6). Whitten says nothing about comparing actual signatures of a table of contents from a media with an expected signature of the table of contents.

[0023] Further, the Whitten-Kocher combination does not teach or suggest, "calculating an actual signature based on reading clusters of data from the media, and comparing the actual signature with an expected signature found in the table of contents for every cluster of data read to determine whether contents of the file have been altered," as recited in claim 20.

[0024] Instead, Whitten describes calculating section digest for each section of a digital data and comparing this section digest with a digest for a section stored in a header (Whitten, [0062]).

[0025] Still further, the Whitten-Kocher combination does not teach or suggest, "installing the file when both the actual signature of the table of contents from the media matches the expected signature of the table of contents, and the actual signature which was calculated matches the

expected signature found in the table of contents for every cluster of data read," as recited in claim 20.

[0026] Instead, Whitten describes installing a digital data only if it is validated or authorized through a valid or an authorized function (Whitten, [0061]).

[0027] Accordingly, claim 20 is allowable over the Whitten-Kocher combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0028] **Claims 21-27** are allowable over the Whitten-Kocher combination by virtue of their dependency upon claim 20 (either directly or indirectly). Additionally, some or all of claims 21-27 may also be allowable over the Whitten-Kocher combination for independent reasons.

[0029]   **Claim 28** recites a method comprising:

obtaining game content from a media;

protecting the game content from modification, using a file alteration checking portion that determines whether the game content has been modified, and if the game content has been modified, then failing to allow installation of the game content; and

protecting the game content from modification, using a media type checking portion that determines whether the media is as expected for an original media that has not been copied by reading a media type used flag from an executable located on the media, wherein the media type used flag indicates a type of media that the executable should be contained within, and if the type of media of the executable is not as expected, then failing to allow installation of the game content.

[0030]   Claim 28 is rejected for reasons similar to those set forth in the rejection of claim 20 (*Office Action,* pp.3-4).   In response, Applicant asserts that claim 28 allowable over the Whitten-Kocher combination based on reasoning similar to that discussed above in response to the rejection of claim 20.   For example, the Whitten-Kocher combination does not teach or suggest, "protecting the game content from modification, using a media type checking portion that determines whether the media is as expected for an original media that has not been copied by reading a media type used flag from an executable located on the media, wherein the media type used flag indicates a type of media that the executable should be contained within, and if the type of media of the executable is not as expected, then failing to allow installation of the game content," as recited in claim 28.   For the sake of brevity, Applicant has not repeated the

arguments.

[0031] Accordingly, claim 28 is allowable over the Whitten-Kocher combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0032] **Claim 29** as amended, recites a computer readable storage media having computer readable instructions that when executed by a processor causes the processor to:

> check whether a type of media containing a file is as expected for an original media that has not been copied by reading a media type used flag from an executable located on a media, wherein the media type used flag indicates a type of media that the executable should be contained within, and when the type of media of the executable is as expected, then:
> compare an actual signature of a table of contents from a media with an expected signature of the table of contents;
> calculate an actual signature based on reading clusters of data from the media, and compare the actual signature with an expected signature found in the table of contents for every cluster of data read; and
> install the file when both the actual signature of the table of contents from the media matches the expected signature of the table of contents, and the actual signature which was calculated matches the expected signature found in the table of contents for every cluster of data read.

[0033] Whitten and/or Kocher do not teach or suggest the combination of features recited in claim 29. For example, the Whitten-Kocher combination does not teach or suggest, "check whether a type of media containing a file is as expected for an original media that has not been copied by reading a media type used flag from an executable located on a media, wherein the media type used flag indicates a type of media that the executable should be contained within, and when the type of media of the executable is as expected," as recited in claim 29.

[0034] In the Action, the Office admits that Whitten "does not teach a media type checker" (*Office Action*, p.9). The Office then relies on Kocher disclosing the recited media type checking portion (*Office Action*, p.9).

[0035] However, Kocher fails to cure the deficiencies of Whitten, as Kocher does not teach or suggest "check whether a type of media containing a file is as expected for an original media that has not been copied by reading a media type used flag from an executable located on a media, wherein the media type used flag indicates a type of media that the executable should be contained within, and when the type of media of the executable is as expected," as recited in claim 29.

[0036] Instead, Kocher discloses methods for authenticating a media content from a server prior to its playing to validate the content of the media (*Kocher*, [0057]). However, checking whether a type of media containing a file is as expected for media that has not been copied by

reading a media type used flag from an executable located on the media, and then declaring a failure in installing a game content if the type of media of the executable is not in accordance with an expected media type is not disclosed by Kocher.

[0037]   Further, the Whitten-Kocher combination does not teach or suggest, "compare an actual signature of a table of contents from a media with an expected signature of the table of contents," as recited in claim 29.

[0038]   Instead, Whitten describes comparing a decrypted header digest of the header of a game disc data with a confirmation digest (*Whitten*, [0056] and Fig.6). Whitten says nothing about comparing actual signatures of a table of contents from a media with an expected signature of the table of contents.

[0039]   Further, the Whitten-Kocher combination does not teach or suggest, "calculate an actual signature based on reading clusters of data from the media, and compare the actual signature with an expected signature found in the table of contents for every cluster of data read," as recited in claim 29.

[0040]   Instead, Whitten describes calculating section digest for each section of a digital data and comparing this section digest with a digest for a section stored in a header (Whitten, [0062]).

[0041]   Still further, the Whitten-Kocher combination does not teach or suggest, "install the file when both the actual signature of the table of

contents from the media matches the expected signature of the table of contents, and the actual signature which was calculated matches the expected signature found in the table of contents for every cluster of data read," as recited in claim 29.

[0042] Instead, Whitten describes installing a digital data only if it is validated or authorized through a valid or an authorized function (Whitten, [0061]).

[0043] Accordingly, claim 29 is allowable over the Whitten-Kocher combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0044]   **Claim 31** recites a method comprising:

   locating a standard executable on a media, wherein the standard executable includes a media type used flag which indicates a type of media that the executable should be contained within;
   determining whether the media type indicated in the executable match that of the media;
   locating an expected control data signature from a standard executable;
   locating control data from a standard executable and computing a computed control data signature in response to the control data;
   determining whether the computed control data signature matches the expected control data signature;
   reading expected file data block signatures from the control data;
   loading a file data block, and computing a computed file data block signature in response to the file data block; and
   determining whether the computed file data block signature matches the expected file data block signature.

[0045]   Whitten and/or Kocher do not teach or suggest the combination of features recited in claim 31.   For example, the Whitten-Kocher combination does not teach or suggest, "locating a standard executable on a media, wherein the standard executable includes a media type used flag which indicates a type of media that the executable should be contained within," as recited in claim 31.

[0046]   In the Action, the Office admits that Whitten "does not teach a media type checker" (*Office Action*, p.10).   The Office then relies on Kocher disclosing the recited media type checking portion (*Office Action*, p.10).

[0047] However, Kocher fails to cure the deficiencies of Whitten, as Kocher does not teach or suggest "locating a standard executable on a media, wherein the standard executable includes a media type used flag which indicates a type of media that the executable should be contained within," as recited in claim 31.

[0048] Instead, Kocher discloses methods for authenticating a media content from a server prior to its playing to validate the content of the media (*Kocher*, [0057]). However, locating any standard executable in the media such that the standard executable contains a flag which indicates a type of media that the executable should be contained within is not described by Kocher.

[0049] Further, the Whitten-Kocher combination does not teach or suggest, "reading expected file data block signatures from the control data" and "loading a file data block, and computing a computed file data block signature in response to the file data block" and then "determining whether the computed file data block signature matches the expected file data block signature," as recited in claim 31.

[0050] Instead, Whitten describes calculating section digest for each section of a digital data and comparing this section digest with a digest for a section stored in a header (*Whitten*, [0062] and Fig.6). Whitten says nothing about comparing a signature for each data block of a file with an expected signature.

[0051]   Accordingly, claim 31 is allowable over the Whitten-Kocher combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0052]   **Claims 32-35** are allowable over the Whitten-Kocher combination by virtue of their dependency upon claim 31 (either directly or indirectly). Additionally, some or all of claims 32-35 may also be allowable over the Whitten-Kocher combination for independent reasons.

Dependent Claims

[0053]   In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant submits that the Office withdraw the rejection of each dependent claim where its base claim is allowable.
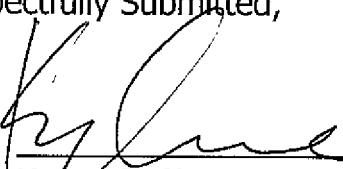
Conclusion

[0054] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Office is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: 12-12-07   By: _____

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